

**KENTUCKY DEPARTMENT OF EDUCATION**  
**STAFF NOTE**

**Review Item:**

702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics

**Applicable Statute or Regulation:**

KRS 156.070  
702 KAR 7:065

**History/Background:**

***Existing Policy.*** 702 KAR 7:065 designates the KHSAA as the entity to manage interscholastic athletics.

This regulation also requires that the Association conduct a biennial review of its bylaws, and such was done during the later months of the 2004-2005 school year and the early meetings of the 2005-2006 school year by the Board of Control.

The minutes of the Annual Meeting and all of the proposed changes (included as attachment “A”) reflect items that were presented to the membership of the Association at its October Annual Meeting. Items are submitted both by the Board of Control as part of its annual review, and by the member schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the meeting of the member schools, 275 schools were present; therefore, all proposals required 184 vote for passage. In accordance with the KHSAA Constitution and Policies and Procedures as well as the requirements of 702 KAR 7:065, any amendment receiving the requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the Kentucky Board of Education for further action.

In accordance with these procedures, the following amendments to the KHSAA Bylaws were approved by the listed votes. These amendments have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2006-07 school year and received the requisite vote of the Board of Control.

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>	<b>Vote</b>	<b>BOC</b>
13	KHSAA Board of Control	An amendment to KHSAA Bylaw 24 to remove outdated restrictions on the forfeiture of postseason games. This provision pre-dates Bylaw 33, which details the penalties possible for violations.	226 yes, 23 no, 0 abstain 26 present	Recommended adoption by Kentucky Board of Education, 17-0
14	KHSAA Board of Control	An amendment to KHSAA Bylaw 25 to remove from the interpretations and place into the body of the bylaws the provisions and penalties for a school that exceeds the limit of games.	216 yes, 33 no, 0 abstain 26 present	Recommended adoption by Kentucky Board of Education, 17-0

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>	<b>Vote</b>	<b>BOC</b>
17	KHSAA Board of Control	An amendment to KHSAA Bylaw 25 to revise the tournament counting shortcut exceptions contained in the Limitation of Seasons for Basketball and replace that wording with the wording from the Bylaw prior to the changes in the early 1990's.	203 yes, 47 no, 0 abstain 25 present	Recommended adoption by Kentucky Board of Education, 17-0
18	KHSAA Board of Control	An amendment to KHSAA Bylaw 33 to codify the ability of the Commissioner and/or Board of Control to impose penalties against those schools that use ineligible competitors and advance in postseason play.	214 yes, 36 no, 0 abstain 25 present	Recommended adoption by Kentucky Board of Education, 17-0
19	KHSAA Board of Control	An amendment to repeal KHSAA Bylaw 35 and remove an obsolete provision of the Bylaws as it applies to no members of the Association.	228 yes, 17 no, 0 abstain 30 present	Recommended adoption by Kentucky Board of Education, 17-0

In accordance with the KHSAA Constitution and Policies and Procedures, Proposal 3 below to amend the KHSAA Bylaws, was approved by the listed vote by the delegates. Upon consideration, the Board of Control tabled consideration of this amendment, and directed legal counsel to analyze certain specific legal issues related to the enactment of this bylaw change, including an appropriate phase-in period (if necessary) and the effect on state-line bordering districts.

However, at its November 17, 2005 meeting, the Board of Control voted 14-1, with three members absent, to recommend adoption of Proposal 3 by the Kentucky Board of Education with additional provisions as follows: 1) the rule shall not apply to students ruled eligible under Bylaw 6, Section 1 (e) (boarding school students); 2) the rule shall not apply to students ruled eligible under Bylaw 6, Section 2 (Foreign Exchange Students), either through an approved agency or through the Due Process Procedure; and 3) the stipulation in the last line of the proposal referring to grade four (4) shall be changed to grade six (6). In addition, the Board of Control recommended that the rule be implemented upon approval through the regulatory process, but exempt those students already enrolled in a member school system who are enrolled beyond the sixth grade as of the effective date.

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>	<b>Vote</b>	<b>BOC</b>
3	Mark Swift, Ashland Blazer High School	An amendment to KHSAA Bylaw 4 to specify that the primary custodial residence of the student-athlete and family must be in Kentucky in order to be eligible.	189 yes, 75 no, 1 abstain 9 present	Tabled, 10-6 with 1 recusal on October 21; Recommended adoption by Kentucky Board of Education, 14-1 on November 17

In accordance with the KHSAA Constitution and Policies and Procedures, the following amendment to the KHSAA Constitution was approved by the listed votes. This amendment has been considered by the Board

of Control of the KHSAA for implementation and following discussion, the Board voted 9-7, with 1 abstention, to recommend that this change not be implemented at this time.

Proposal	Author	Purpose	Vote	BOC
20	John Proctor, Meade County High School	With passage of this proposal, member schools of the KHSAA shall be divided into two divisions at the end of the regular season for district, region and state competition. Division 1 shall be public, Division 2 shall be private (non-public).	195 yes, 78 no, 0 abstain 2 present	On October 21, the Board voted 9-7 with one recusal to recommend that the Kentucky Board of Education not enact this change

Subsequent to the Board of Control vote on Proposal 20, the Board directed the KHSAA Commissioner's office to continue to meet with representatives of both public and non-public schools and continue the dialogue seeking compromise on the three most often identified areas of concern by the membership. Those discussion points centered on: 1) a feeder pattern/territory from which students can attend the member school and be immediately eligible (similar to school districts in the public schools); 2) regulation of Financial Aid awarded to student-athletes by the member schools; and 3) restrictions on the transfer eligibility of student-athletes who have participated at a member school while enrolled below grade nine and then subsequently enroll in a different member school. These areas were the subject of several meetings prior to the Annual Meeting of schools, and the Board felt that if given more time for negotiation and discussion, a compromise could be reached that would be beneficial to the membership.

KHSAA will update the Kentucky Board of Education at the December meeting on any subsequent actions/discussions that have occurred on Proposal 20 after the writing of this staff note.

The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

**Contact Person:**

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**Recommending Contact Person**

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**Commissioner of Education**

**Date:**

December 2005